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PART II—Section 4

Statutory Rules and Orders issued by the Ministry of Defence

MINISTRY OF DEFENCE

New Delhi, the 12th December 1961

THE NAVY (DISPOSAL OF PRIVATE PROPERTY) REGULATIONS, 1961

S.R.O. 389.—In exercise of the powers conferred by sub-section 1 of section 184 read with clauses (n) and (r) of sub-section (2) of that section of the Navy Act, 1957 (62 of 1957), the Central Government hereby makes the following regulations, namely:—

1. **Short title.**—These regulations may be called "The Navy (Disposal of Private Property) Regulations, 1961.

2 **Definitions.**—In these regulations, unless the context otherwise requires,—

(1) "the Act" means the Navy Act, 1957 (62 of 1957).

(2) "Administrative Authority" means the authority designated as such in current orders in force.

(3) "Commanding Officer" means the Commanding Officer of the ship of the Indian Navy to which the deceased belonged and includes any person appointed by the Chief of the Naval Staff under section 182 to perform the functions and powers of the Commanding Officer.

(4) "Section" means a section of the Act.

(5) "sub-section" means sub-section of a section of the Act.

PART II

PROPERTY OF DECEASED SEAMEN

3. **Securing of Property.**—The Commanding Officer shall keep the property secured by him under section 171 in a place of security.

4. **Inventory.**—The Commanding Officer shall also prepare an inventory of any movable property left in the ship or quarters of the deceased which for some reason cannot be collected, stating sufficient details and estimated value thereof and the reasons for its non-collection.

5. **Drawing of pay and allowances.**—(1) The Commanding Officer may require the appropriate paying authority either to pay to him the pay and allowances due to the deceased or to hold the same on his behalf until disposed of by such Commanding Officer

(2) Where the pay and allowances have so been required to be held on behalf of the Commanding Officer, the appropriate paying authority shall not effect any recoveries therefrom on account of any public claim against the deceased after the receipt of such requisition from the Commanding Officer.

6. **Listing of debts in ship or quarters.**—The Commanding Officer shall ascertain, verify and prepare a list of all the ship and service debts and other debts in the ship or quarters of the deceased and shall, before providing for their payment, have any doubt or difference about them settled.

7. **Funeral expenses.**—The actual and necessary expenses of the funeral, in or out of India of any person subject to the Act, shall be borne by the Government to such extent as may be provided for in the relevant regulations issued under the authority of the Government of India from time to time.

8. **Security for the payment of debts and expenses recoverable under the Act.**—The security required to be given under sub-section (4) of section 171 shall be a bond in the form given in Forms I and II of Schedule I to these regulations, accompanied by a surety if considered necessary by the Commanding Officer.

9. **Time limit for securing debts and expenses recoverable under the Act.**—If payment of the debts and expenses recoverable under the Act is not made or secured by a representative under sub-section (4) of section 171, or by other person appearing to the prescribed person to be entitled under section 176(b), within three months from the date of death, the Commanding Officer shall proceed to provide for their payment himself.

10. **Custody of moneys.**—Any cash collected or moneys realised by sale or conversion of property or from any bank shall be deposited, if practicable, in the civil treasury or nearest branch of the Reserve Bank of India or of the State Bank of India, in a current account to the credit of the Commanding Officer, otherwise, with the Supply Officer of the ship or in ship's imprest account.

11. **Saving of certain property from sale or conversion.**—(1) The Commanding Officer may, if he thinks fit, postpone any sale or conversion of the property of the deceased until such time as a representative or a person appearing to the prescribed person to be entitled under section 176(b) has had an opportunity of notifying his wishes regarding the sale or conversion or the withholding from sale or conversion of any portion of the property.

(2) The Commanding Officer may comply with the wishes of a representative or such other person, but if he considers any such demand unreasonable, having regard to the insolvency of the estate or other similar reason, he may refuse to comply.

12. **Mode of sale.**—The property to be sold shall be disposed of in the most advantageous manner either by private sale or by public auction: When property is sold by a public auction, a representative of the Commanding Officer shall be present at the auction, and shall furnish a certified statement of the particulars of the sale to the Commanding Officer.

13. **Disposal of private firearms and ammunition.**—Private firearms and ammunition forming part of the property of the deceased shall not be delivered to a representative or to other person to whom the property or surplus of the property is handed over under section 176, or to a purchaser unless such representative or other person or purchaser is duly licensed, or authorised without licence, to possess them. When the firearms and ammunition are not so delivered, they shall be deposited at the nearest police station, or with a licensed dealer with the sanction of the District Magistrate concerned.

14. **Disposal of medals, orders and decorations.**—(1) Medals and decorations of the deceased, whether issued before or after his death, shall not be sold for the purpose of paying the debts and expenses recoverable under the Act, nor shall they be handed over to the Administrator General when an estate is handed over to him for administration under section 175.

(2) When secured by the Commanding Officer, medals shall be disposed of as follows:—

(a) if the deceased has left any directions about their disposal whether in his will or otherwise, according to those directions;

(b) if they are not disposed of according to the directions as in (a) above, they may be sent to the widow, or if the deceased has not left widow surviving him, to the next-of-kin of the deceased in the following order of relationship:—

Eldest surviving son or grandson; eldest surviving daughter or daughter's son; father, mother, eldest surviving brother or sister;

(c) if medals cannot be disposed of as above, they may be sent to any relative or other person who, in the opinion of the Administrative Authority will preserve them with due care as a memorial to the deceased.

(3) Orders and decorations other than medals, shall also be disposed of in the manner aforesaid, except where the rules or terms of the order and decorations provide otherwise.

15. **Expenses of administration.**—Only necessary and reasonable expenses will be incurred by the Commanding Officer in relation to the disposal of an estate.

PART III

PROPERTY OF DECEASED OFFICERS

16. **Property of deceased officers.**—The provisions of the preceding regulations shall also apply to the property of deceased officers subject to the Act, but with the modifications, that—

references to the Commanding Officer shall be construed as references to a Committee of Adjustment or a Standing Committee of Adjustment, as the case may be, constituted in this behalf in the manner provided hereinafter.

17. **Committee of Adjustment.**—(1) A Committee of Adjustment shall consist of three officers. Where practicable, the president shall not be below the rank of Lieutenant-Commander.

(2) A Committee of Adjustment shall be constituted by the following officers:—

(a) if the deceased was serving in a ship, by the Commanding Officer of the ship not being below the rank of a Commander. If he is below that rank, than, by the Administrative Authority concerned;

(b) in all other cases, by the Administrative Authority concerned; and

(3) If the officer authorised by clause (a) or (b) above to constitute a Committee is, from any reason, unable to do so, he shall apply to his superior authority for such constitution and such superior authority shall have the power to constitute the Committee.

18. **Standing Committee of Adjustment.**—(1) The Standing Committee of Adjustment shall consist of three officers. Where practicable, the president shall not be below the rank of Lieutenant-Commander.

(2) The Standing Committee of Adjustment shall be constituted by the order of the Chief of the Naval Staff or of such other officer as he may authorise in this behalf at such time and place as is thought fit by the Chief of the Naval Staff or the officer so authorised.

(3) The Standing Committee of Adjustment may be dissolved at any time by the authority which constituted it.

19. **Constitution of Committees when Standing Committee constituted.**—No Committee of Adjustment shall be constituted so long as the Standing Committee of Adjustment remains constituted, and all references to a Committee in these regulations shall, during the period the Standing Committee remains constituted, be construed as references to the Standing Committee.

PART IV

PROPERTY OF ABSENTEES OR PERSONS ASCERTAINED TO BE OF UNSOUND MIND OR WHILE ON ACTIVE SERVICE OFFICIALLY REPORTED MISSING.

20. **Property of absentees without leave.**—The proceeds of the sale of property of an absentee without leave, whether such person is guilty of desertion or of improperly leaving his ship or place of duty or not, sold in pursuance of section 183 shall be utilised in the first instance for the payment of any ship or service debts and the balance shall stand forfeited to Government unless payment thereof to absentee or his representative is ordered under the provisions of section 183.

21. **Property of persons of unsound mind.**—The provisions of the preceding regulations except regulations 7 and 20 shall apply to the property of persons who are ascertained to be of unsound mind in the manner hereinafter provided as they apply to the property of a deceased person, with the following modification, *viz.*,

Whenever possible the sale or conversion of his property may be deferred until he is discharged from service.

22. **Property of missing persons.**—The provisions of the preceding regulations except regulations 7, 20 and 21 shall apply to the property of a person who, while on active service, is officially reported missing as they apply to the property of a deceased person with the proviso that no action beyond the securing of his property, the drawing of his pay and allowances and ascertaining the ship or service debts in ship or quarters shall be taken until he is officially presumed to be dead.

PART V

PRESCRIBED PERSON AND THE MANNER OF PAYING HIM THE SURPLUS

23. **Prescribed person for purposes of sections 171, 172, 173, 175, 176(a) and (c), 177, 178, 179 and 180.**—The prescribed person for purposes of sections 171, 172, 173, 175, 176(a) and (c), 177, 178, 179 and 180 shall be:

(a) in relation to the estates of officers the Secretary, Ministry of Defence.

(b) in relation to the estates of persons other than officers, the Administrative Authority concerned.

24. **Prescribed person for the purpose of section 176(b).**—The prescribed person for the purpose of section 176(b) shall be the persons referred to in regulation 23 and so long as the Commanding Officer has under the Act the control of the property of a person, not being an officer, or of the proceeds of sale or conversion of such property, shall also include such Commanding Officer, provided the total amount of or value of the said property does not exceed one thousand rupees.

25. **Prescribed officer for the purpose of section 183.**—The prescribed officer for the purposes of section 183 shall be the Administrative Authority of the ship in which the absentee was borne at the time when absence without leave commenced.

26. **Payment of surplus by Commanding Officer or Committee of Adjustment to the prescribed person under section 171 or section 172.**—(1) The surplus of an estate shall be paid to the prescribed person by deposit in an imprest account or deposit in the civil treasury to the credit of the officer maintaining the pay accounts of the deceased.

(2) On receipt of the statement of the imprest account of the treasury receipt, as the case may be, the authority to whose credit the surplus has been deposited shall hold the amount until disposed of by the prescribed person.

(3) That part of the surplus which does not consist of money shall be kept by the Commanding Officer or the Committee, as the case may be, in a place of security until disposed of by the prescribed person.

27. **Payment of surplus by the Administrator-General to the prescribed person under section 175.**—The surplus in the hands of an Administrator-General shall be made over to the prescribed person in the manner provided for in regulation 26

PART VI

OTHER PROVISIONS

28. **Circumstances in which the estate is to be handed over to the Administrator-General.**—The Central Government or the Chief of the Naval Staff may direct that the estate of a person liable to be dealt with under the Act, shall be handed over to the Administrator-General having jurisdiction in relation to the estate, in case it is apprehended that considerable difficulty or delay may arise in or about the collection or realisation of the effects in consequence of the character of any investment or in consequence of it being requisite to institute some action or suit in relation to the property, or in case there is some other peculiar circumstance connected with the property making it, in the judgment of the Central Government or the Chief of the Naval Staff, expedient to take that course.

29. **Form of notice under section 176(c).**—(1) The notice required to be published under section 176(c) shall be in the form given in Form III in Schedule I to these regulations, with such variation as circumstances may require.

(2) The notice will be published in the Gazette of India and the Gazette of the State to which the deceased belonged. If considered necessary by the prescribed person, it may also be published once yearly in two newspapers to be selected by him.

30. **Delivery of property or surplus under section 176(b).**—In determining the person to whom the property or surplus may be delivered or paid under section 176(b), the prescribed person shall take into consideration the law or custom of succession applicable to the person whose property is under disposal and the wishes, if any, of such person in this respect.

31. **Mode of delivering property or surplus to a representative or other person** — Property deliverable and money payable to a representative under sections 171, 172, 176(a) and 176(c) or to any other person under section 176(b) may be either handed over to him personally, or despatched or remitted to his last known address.

32. **Manner in which a person may be ascertained to be of unsound mind.**— The manner in which a person subject to naval law, shall be ascertained to be of unsound mind for the purpose of the Act shall be by the finding of a medical board constituted according to the procedure specified in the relevant regulations of the Government of India.

33. **Reports.**—(1) When the Commanding Officer or a Committee of Adjustment concludes the disposal of an estate in so far as he or it is empowered by the Act and these regulations, he or it shall send to the person prescribed in regulation 23 a detailed report of such disposal as soon thereafter as possible.

(2) When an estate is handed over to an Administrator-General under the Act, he shall submit to the Central Government a return every six months of the estates handed over to him under section 175 and the manner in which they have been disposed of.

(3) The reports referred to in sub-clause (1) shall be accompanied by all the necessary documents and papers including those given in Schedule II to these regulations.

(4) When an estate or surplus thereof is finally handed over under the Act to a representative or other person, a copy of the report or return referred to in sub-clause (1) or (2) respectively shall be supplied to him free of charge.

(5) If the Commanding Officer or a Committee of Adjustment does not dispose of an estate to the extent he or it is concerned therewith, within twelve months in the case of subjects of Nepal and five months in all other cases of the date of death, or the date on which the person whose estate is being dealt with is ascertained to be of unsound mind, or on which he is officially presumed dead, he or it will after that period submit to the Chief of the Naval Staff, a report showing the stage of and the cause of delay in the disposal of an estate.

(6) Where the property of an absentee without leave is dealt with in pursuance of section 183 read with regulation 20, a report is to be made to the Chief of the Naval Staff within six months of the sale showing the precise disposition of the sale proceeds.

(7) The Standing Committee of Adjustment shall submit to the person prescribed in regulation 23 a return every six months, of all the estates being dealt with by it, showing, in brief, important details thereof including stage of disposal and the progress made.

S. S. L. KAKKAR, Jt. Secy.

SCHEDULE I

FORM I

Form of Bond to be executed by the Representative of a Deceased Person (Officer), vide sub-sections (4) and (6) of Section 171 of the Navy Act, 1957 (62 of 1957)

To

The President of India.

WHEREAS I....., son of..... of.....have applied to the Committee of Adjustment (hereinafter called "the said Committee") that the property received by the

said Committee under sub-section (1) of section 171 of the Navy Act, 1957 (hereinafter referred to as "the said Act") may be delivered over to me AND WHEREAS the said Committee has agreed to deliver over the property provided security as required by section 171(4) and (6) of the said Act is given and has ordered me to give security for the payment of the ship and service debts and other debts in the ship or quarters, if any, outstanding against the estate of my(relationship), late..... and of the funeral expenses of the deceased and of the expenses, if any, incurred by the said Committee in respect of the estate of the deceased with one/two surety/sureties AND WHEREAS....., son of..... of...../..... son of..... of.....and..... son of of.....has/have agreed to execute this bond as surety/sureties on my behalf.

Now, in consideration of the said Committee delivering over the property as aforesaid to me.....(name of representative of the deceased) we, (1).....(name of the representative of the deceased) and (2).....(surety), son of..... of.....(sureties) son of..... of..... and....., son of..... of.....hereby jointly and severally agree and undertake to pay and guarantee the payment to you and to your certain attorneys, successors, and assigns in full all the ship and service debts and other debts in ship or quarters which the deceased.....owed at his decease, the funeral expenses of the deceased to the extent not paid by the Government and the expenses incurred by the said Committee in respect of the estate of late.....and agree to indemnify and keep you harmless in the event of a claim being made by any other person or persons, against you and against all manner of actions, suits and other legal proceedings, costs, charges, damages and expenses whatsoever which shall or may at any time or times hereafter be brought, commenced or sued by any person or body coporate whomsoever or whatsoever against or be occasioned to you, your successors and assigns or any of the officers or servants of the Government for or on account of, in respect of, by reason of or consequent upon the property being delivered as aforesaid and we shall jointly and severally make good any loss which may be suffered by you and shall otherwise indemnify and keep you indemnified against such loss.

As WITNESS our hands the.....day of..... 19....

Signed and delivered by the above-named.....
.....

(Name of the representative of the deceased) in the presence of—

(1).....

(2).....

Signature.....

Designation.....

Address.....
.....
.....

Signed and delivered by the above-named surety in the presence of—

(1).....

(2).....

.....

Signed and delivered by the above-named surety in the presence of—

(1).....

(2).....

.....

SCHEDULE I

FORM II

Form of Bond to be executed by the Representative of a Deceased Person (other than an officer) vide sub-sections (4) and (6) of Section 171 of the Navy Act, 1957 (62 of 1957)

To

The President of India.

WHEREAS I....., son of.....
of.....have applied to the Commanding Officer of I.N.S.....(hereinafter called "the said Commanding Officer") that the property received by the said Commanding Officer under sub-section (1) of section 171 of the Navy Act, 1957 (hereinafter referred to as "the said Act") may be delivered over to me AND WHEREAS the said Commanding Officer has agreed to deliver over the property provided security as required by sub-sections (4) and/or (6) of section 171 of the said Act is given and has ordered me to give security for the payment of the ship and service debts and other debts in the ship or quarters, if any, outstanding against the estate of my(relationship), late.....
and of the funeral expenses of the deceased and of the expenses, if any, incurred by the said Commanding Officer in respect of the estate of the deceased with one/two surety/sureties AND WHEREAS....., son of.....
of...../....., son of.....
of..... and..... son of.....
has/have agreed to execute this bond as surety/surities on my behalf.
sureties on my behalf.

Now, in consideration of the said Commanding Officer delivering over the property as aforesaid to me.....(name of representative of the deceased) we, (1).....(name of the representative of the deceased) and (2).....(surety), son of.....
of...../(sureties)..... son of
of..... and....., son of.....
of..... hereby jointly and severally agree and undertake to pay and guarantee the payment to you and to your certain attorneys, successors, and assigns in full all the ship and service debts and other debts in ship or quarters which the deceased..... ..owed at his decease, the funeral expenses of the deceased to the extent not paid by the Government and the expenses incurred by the said Commanding Officer in respect of the estate of late.....and agree to indemnify and keep you harmless in the event of a claim being made by any other person or persons, against you and against all manner of actions, suits and other legal proceedings, costs, charges, damages and expenses whatsoever which shall or may at any time or times hereafter be brought, commenced or sued by any person or body coporate whomsoever or whatsoever against or be occasioned to you, your successors and assigns or any of the officers or servants of the Government for or on account of, in respect of, by reason of or consequent upon the

propreerty being delivered as aforesaid and we shall jointly and severally make good any loss which may be suffered by you and shall otherwise indemnify and keep you indemnified against such loss.

As WITNESS our hands the.....day of..... 19....

Signed and delivered by the above-named.....

.....

(Name of the representative of the deceased) in the presence of—

(1).....

(2).....

Signature.....

Designation.....

Address.....

.....

.....

Signed and delivered by the above named surety

.....

in the presence of—

(1).....

(2).....

Signed and delivered by the above-named surety

.....

In the presence of—

(1).....

(2).....

SCHEDULE I

FORM III

Form of Notice (Regulation 29)

Re, the estate of @..... who *died on

was ascertained to be of unsound mind from

was officially presumed to be dead from

Notice is hereby given under Section 176 of the Navy Act, 1957 (62 of 1957), that the sum of Rs..... (Rupees.....) representing the surplus of the above-mentioned estate is available with the †.....for payment to the representative of the said @..... Any person claiming to be representative of the said @.....should submit his claim to the †.....within two months from the date of notice for payment of the said surplus.

.....

(Signature, designation and address of the prescribed person.)

Place.....

Date.....

* Strike out whichever is inapplicable.

† Designation and address of the prescribed person to be given.

@ Officers (rank, name and ship)

Sailors (name, rate and official number).

SCHEDULE II

(Regulation 33)

LIST OF DOCUMENTS WHICH SHOULD ACCOMPANY (IN DUPLICATE) THE REPORT OF DISPOSAL REFERRED TO IN REGULATION 33.

A. *When estate is handed over under sub-section* (6) *of Section* 171 *or Section* 172 *or Section* 176(b).—(1) Statement of particulars respecting the person whose estate has been disposed of.

(2) Certified true copy of will (if any) authenticated by the Commanding Officer or the Committee or the Standing Committee.

(3) Certified true copy of power of attorney or probate or letters of administration, or succession certificate, if any, authenticated by the Commanding Officer, the Committee or the Standing Committee, in case the estate is taken over by a representative.

(4) Bond securing payment of the debts and expenses recoverable under the Act, Schedule I, Forms I and II.

(5) Stamped receipt for the estate.

(6) Inventory of the property:—

(a) collected by the Commanding Officer or Committee.
(b) not collected by the Commanding Officer or Committee.

} if made.

(7) Six monthly and/or final statement of pay accounts.

B. *When surplus of estate is remitted to the prescribed person.*—(1) Statement of particulars respecting the person whose estate has been disposed of.

(2) Original will or authenticated copy, as available.

(3) Inventory of the property—

(a) collected by the Commanding Officer or Committee.
(b) not collected by the Commanding Officer or Committee.

} if made.

(4) Sale and conversion on accounts.

(5) Stamped receipt for reserved articles, and medals and decorations, if any, disposed of.

(6) Account of sums received and disbursed.

(7) Account of surplus assets, showing the credit balance, estimated value of reserved articles and outstanding assets due to the estate.

(8) Certificate required to be furnished under Regulation 12.

(9) Other receipts and vouchers, if any.

(10) Six monthly and/or final statement of pay accounts.

New Delhi, the 13*th December* 1961

S.R.O. 390.—In exercise of the powers conferred by Section 184 of the Navy Act, 1957 (62 of 1957), the Central Government hereby makes the following regulations to amend the Navy (Authorised Deductions) Regulations, 1959, namely:—

1. These regulations may be called the Navy (Authorised Deductions) Amendment Regulations, 1961.

2. In the Navy (Authorised Deductions) Regulations, 1959—

(i) in the preamble, the words and figures "read with section 27 thereof" shall be omitted; and

(ii) after regulation 2, the following regulation shall be inserted, namely:—

"3. *Withholding of pay and allowances during trial.*—In order to give effect to the provisions of clause (2) of section 28 or clause (2) of section 29,

(a) in the case of any officer, the Chief of the Naval Staff, and

(b) in the case of any seaman, the Administrative Authority of the ship or establishment in which the seaman is serving,

may direct that the whole or any part of the pay and allowances of such officer or seaman shall be withheld pending the result of his trial on a charge for an offence in respect of which he is in civil or naval custody or under suspension from duty or, as the case may be, for an offence in respect of which he is in confinement."

S. V. SAMPATH, Dy. Secy.

New Delhi, the 14th December 1961

CANTONMENT-TAXATION

S.R.O. 391.—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (2 of 1924) and in modification of the notification of the Government of India in the Ministry of Defence S.R.O. No. 323, dated the 13th September, 1957, the Cantonment Board, Secunderabad with the previous sanction of the Central Government hereby revises the Octroi tax on the article mentioned below at the time of its entry into the limits of the Secunderabad Cantonment for the purposes of consumption, use or sale therein at the rate mentioned against it:—

Name of article	Revised rate of Octroi
Ghee substitutes (of whatever composition) which are not pure ghee but which resemble pure ghee and are capable of being used as substitutes for pure ghee, including hydrogenated vegetable oil.	Rs. 1·67 per maund of 40 seers.

[No. F. 53|18|G|L&C|61|3481-G|D(C&L).]

S. D. CHATTERJEE, Under Secy.

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